

REMARKS

Applicants provisionally elect the Group I claims (claims 1-10), with traverse.

Applicants respectfully traverse the requirement for restriction, and respectfully request that it be withdrawn for the following reasons.

Applicants respectfully believe that the Group I and Group II inventions should be examined together for the following reasons:

Group I, claims 1-10, is drawn to a method of preparing halogenated or pseudohalogenated monomeric phenazinium compounds of a purity of at least 85 mol-%.

Group II, claims 11-22, is drawn to a method of preparing the halogenated or pseudohalogenated monomeric phenazinium compounds.

The Examiner's position is understood to be that the Applicants' method of the Group II claims can prepare a variety of different halogenated or pseudohalogenated monomeric phenazinium compounds as recited in Group I, and therefore, that preparing one compound would not necessarily involve preparing all of the others as claimed individually.

However, Applicants refer to the method claims. In particular, claim 11 (a Group II claim), is drawn to a method for preparing halogenated or pseudohalogenated monomeric phenazinium compounds *in accordance with claim 1*. Therefore, this method is restricted to such methods where compounds are prepared which have the limitations of claim 1.

Applicants maintain that the relationship among claims in Group I and Group II, as discussed above, is a close one. Accordingly, it would appear that the search for the Group I compounds and the Group II method features (that include the compound of claim 1, see e.g., claim 11) would require similar searching. After all, the Group II claims, considering claim 11, for example, discussed above, would necessitate the search of the claim 1 features. However, even where the claims are for separate inventions, that alone is not a reason for restricting the claims. One must consider the economy to the USPTO and the applicant.

As the M.P.E.P. Section 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present case, inclusion of more than one claim group in this application, in particular, the Group I and Group II claims, would appear to promote purposes of economic efficiency, for both the Patent Office and the Applicants.

Therefore, for these reasons, the restriction requirement, with respect to the Group I and Group II claims, should be traversed.

Accordingly, for the above reasons, reconsideration and a withdrawal of the restriction requirement is respectfully requested. If further matters remain in connection with the restriction, the Examiner is invited to telephone the Applicants' undersigned representative to discuss them.

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Response to Office Action dated April 21, 2009

B-7228


Response date: May 19, 2009

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If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to the Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
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